

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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EDWARD HARVEY,

Plaintiff,

v.

Case No. 18-13952

RICHARD SNYDER et al.,

Defendants.

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**ORDER DISMISSING CASE AND TERMINATING PENDING MOTIONS**

On June 7, 2019, the court ordered Plaintiff to show cause why this case should not be dismissed as an invalid, individual attempt to litigate the claims at issue in the certified class action, *Does v. Snyder*, No. 16-cv-13137 (“*Does II*”). (ECF No. 18.) Plaintiff does not address the issue of class certification in his response to the order to show cause. Furthermore, he does not attempt to refute his status as a member of the *Does II* class certified under Federal Rule of Civil Procedure 23(b)(2). Because Plaintiff is a member of the *Does II* certified class, he has no right to opt-out of the class or separately litigate his claims because doing so would create the potential for inconsistent judgments. *See Walmart-Stores, Inc. v. Dukes*, 564 U.S. 338, 361 (2011). Any injunctive relief issued in *Does II* will be binding on Plaintiff.

Plaintiff has not demonstrated that he is entitled to opt-out of the *Does II* class and individually litigate his claims. He has thus failed to satisfy this court’s order to show cause and for that reason, his case must be dismissed. Accordingly,

IT IS ORDERED that this case is DISMISSED.

IT IS FURTHER ORDERED that the pending motions (ECF Nos. 4, 14, 19) are  
TERMINATED.

Dated: August 1, 2019

I hereby certify that a copy of the foregoing document was mailed to counsel of record  
on this date, August 1, 2019, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
(810) 292-6522

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